

17. (Previously Presented) The method of claim 14, wherein the first and second predefined maximum system transmission power levels are unequal.

18. (Canceled)

19. (Canceled)

20. (Currently Amended) A first communication device comprising:

a processor to determine that communication performance between the first communication device and a second communication device exceeds a performance threshold, and to assign a band-edge channel for communication between the first communication device and the second communication device in response to the determination, the band-edge channel being a communication channel within a guard band, the guard band being a frequency band between a first communication frequency band and a second communication frequency band; and

a transmitter to transmit a first signal for reception by the second communication device via the band-edge channel.

21. (Currently Amended) The ^{communication}~~first communications~~ device of claim 20, further comprising:

a receiver to receive a second signal transmitted by the second communication device, the second signal being transmitted at or below ~~[[the]]~~ a reduced power level by the second ^{communication}~~communications~~ device, the reduced power level being less than a predefined maximum system transmission power level.

22. (Currently Amended) The method of claim 1, wherein the first signal is transmitted at a reduced power level that is below a first predefined maximum system transmission power level.

23. (Previously Presented) The method of claim 1, wherein measuring communication performance comprises measuring communication performance at the second communication device and transmitting the measured communication performance to the first communication device.

24. (Currently Amended) The first communication device of claim 20 wherein the first signal is transmitted at a reduced power level that is below a predefined maximum system transmission power level.

25. (Currently Amended) A method comprising:

measuring communication performance between a ^{first} ~~second~~ communication device and a ^{second} ~~first~~ communication device in a radio communication system, the radio communication system having a first communication frequency band, a second communication frequency band, and a guard band between the first and second communication frequency bands;

if the measured communication performance exceeds a performance threshold, then receiving an assignment of a band-edge channel to carry communications between the first communication device and the second communication device, the band-edge channel being a communication channel within the guard band; and

receiving a first signal from the first communication device at the second communication device via the band-edge channel.

26. (Previously Presented) The method of claim 25, wherein measuring the communication performance comprises measuring communication performance at the

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second communication device and transmitting the measured communication performance to the first communication device.

27. (Currently Amended) The method of claim 25, further comprising receiving a temporary power assignment from the first communication device and transmitting a second signal from the second communication device to the first communication device via the band-edge channel with [[the assigned power]] a power according to the temporary power assignment, the temporary power assignment being lower than a predefined maximum system transmission power level for out-of-band communications.

28. (Currently Amended) The first communication device of Claim 20, wherein the first communication device is one of a base station, a remote terminal, and a terminal in a peer-to-peer network.

29. (New) The method of claim 1, wherein the first communication device comprises a subscriber unit.

30. (New) The method of claim 1, wherein the first communication device transmits the first signal using a W-CDMA standard.

31. (New) The first communication device of claim 20, wherein the first communication device comprises one selected from a cellular handset and a modem.

32. (New) The first communication device of claim 20, wherein the first communication device comprises a subscriber unit.

33. (New) The first communication device of claim 20, wherein the ^{first}~~second~~ communication device transmits the first signal using a W-CDMA standard.

34. (New) The method of claim 25, wherein the second communication device comprises a subscriber unit.

35. (New) The method of claim 25, wherein the ~~second~~^{first} communication device transmits the first signal using a W-CDMA standard.

36. (New) A subscriber unit comprising:

a processor of the subscriber unit to determine that communication performance between the subscriber unit and a communication device exceeds a performance threshold, and to assign a band-edge channel for communication between the subscriber unit and the communication device in response to the determination, the band-edge channel being a communication channel within a guard band, the guard band being a frequency band between a first communication frequency band and a second communication frequency band; and

a transmitter of the subscriber unit to transmit a first signal for reception by the communication device via the band-edge channel.

37. (New) The subscriber unit of claim 36, further comprising:

a receiver to receive a second signal transmitted by the communication device, the second signal being transmitted at or below a reduced power level by the communications device, the reduced power level being less than a predefined maximum system transmission power level.

38. (New) The subscriber unit of claim ³⁷~~36~~, further comprising: